



Docket No. C36510/104727
Express Mail Label No. EV316059157US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stephen J. Williams et al.

Serial No.: 09/622,650

Filed: January 18, 2001

For: **FEED BOTTLES FOR BABIES**

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)
) Examiner: Lien M. Ngo

) Art Unit: 3727
)
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)
)

January 20, 2005

**PETITION TO REVIVE ABANDONED PATENT
APPLICATION UNDER 37 CFR §1.137(b)**

Hon. Commissioner of Patents
Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Petition to Revive the captioned application as a pending application. This petition is timely as it is filed within 2 months of the mailing date of the January 13, 2005 Notice of Abandonment, and indeed this petition is filed on the day after the undersigned Applicant's counsel received the Notice of Abandonment. Accordingly, as evidenced by the circumstances detailed below, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional.

**The Application Became Abandoned Due To Submission of an Office Action Response
According to the Response Period Indicated by the Supervisory Patent Examiner**

The subject application became abandoned due to Applicant's counsel's submission of a response to a pending Office Action in accordance with the response period indicated on the

April 2, 2004 communication from the Supervisory Patent Examiner. In that communication, the

Supervisory Patent Examiner stated that the "time for response continues to run from the January 31st action." (See April 2, 2004 communication from the Supervisory Patent Examiner Lee Young, attached hereto as Exhibit A). This communication was prompted by Applicant's counsel's request on February 18, 2004 for remailing of an Office Action which was originally mailed on January 30, 2004. Shortly thereafter, the original Office Action was located by Applicant's counsel, who promptly notified Examiner Lien Ngo that remailing would not be necessary.

Applicant's Counsel Docketed and Complied with the Response Period Indicated by the Supervisory Patent Examiner

Applicant's counsel monitors compliance with due dates for patent application requirements, including due dates for responses to Office Actions, by maintaining data entries for each pending patent application in its PATTSY[®] computerized docketing system. Upon receipt of the April 2, 2004 communication from Supervisory Patent Examiner Young, Applicant's counsel entered the new baseline mailing date of January 31, 2004 referenced in the communication into its docket system. This entry generated a final 6-month due date for the Office Action response, with a 3-month extension, of July 31, 2004 (six months following the January 31, 2004 date referenced in the Supervisory Patent Examiner's communication). See July 7, 2004 PATTSY[®] computerized docketing system printout, attached hereto as Exhibit B (redacted to eliminate references to irrelevant entries).

Since July 31, 2004 fell on a Saturday, a timely response, based upon the stated January 31, 2004 date referenced in the Supervisory Patent Examiner's communication, would have been the following Monday, August 2, 2004 – the date that applicant's response to Office Action was actually filed. Accordingly, Applicant's counsel believed a timely response to the pending Office Action had been filed.

Applicant's Counsel Promptly Filed This Petition Upon Receipt of the Notice of Abandonment

Upon receiving the Notice of Abandonment on January 19, 2005, Applicant's counsel realized that the baseline mailing date reflected in the Supervisory Patent Examiner's communication and in counsel's docketing system differed by one day from the actual January 30, 2004 mailing date of the Office Action. The Examiner determined that the Office Action response, which the Examiner confirms was received on August 2, 2004 (timely received based upon the April 2, 2004 communication from the Supervisory Patent Examiner), was not timely filed based upon the original January 30, 2004 mailing date of the Office Action. (See January 13, 2005 Notice of Abandonment from Examiner Lien Ngo, attached hereto as Exhibit C).

Accordingly, although a sufficient response to the Office Action was timely submitted with respect to the mailing date reflected in the Supervisory Patent Examiner's communication (January 31, 2004), but had not been timely submitted with respect to the original mailing date of the Office Action (January 30, 2004), the Notice of Abandonment was issued for this application.

Upon receipt of the Notice of Abandonment and discovering of that the Office Action response had been timely submitted with respect to the mailing date reflected in the Supervisory Patent Examiner's communication, but had not been timely submitted with respect to the original mailing date of the Office Action, applicant's counsel promptly filed this petition.

In accordance with 37 C.F.R. §1.137(b), enclosed is:

- a) a check in the amount of \$1,500.00, the fee due under 37 C.F.R. §1.17(m) for this petition.

As noted above, the reply required to the outstanding Office Action was previously filed. Also, a terminal disclaimer is not required pursuant to 37 C.F.R. § 1.137(d).

The Commissioner is hereby authorized to charge any additional fee or credit overpayment to Deposit Account No. 02-4467. A triplicate copy of this petition is enclosed. If any additional fee is deemed necessary, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 02-4467.

Respectfully submitted,



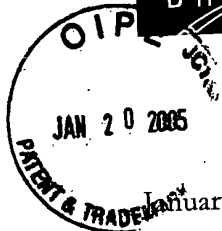
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Robert G. Lancaster
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January 20, 2005

Express Mail No. EV316059157US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: United States Patent Application No. 09/622,650
Filed: September 13, 2002
Invention: FEED BOTTLE FOR BABIES
Inventor: Stephen Williams et al.
Our Reference Number: C036510/0104727

Sir:

We are enclosing papers on behalf of applicant for the above-referenced patent application. The papers are:

1. Certificate of Express Mailing;
2. Transmittal letter (1 page);
3. Petition for Revival of Abandoned Patent Application under 37 C.F.R. §1.137(b) (three copies);
4. Check in the amount of \$1,500.00 for the petition; and
5. Return postcard

If our check is missing or is insufficient, please charge any additional fee or credit any overpayment to Deposit Account No. 02-4467. Kindly date-stamp and return the enclosed self-addressed, stamped postcard.

Respectfully submitted,

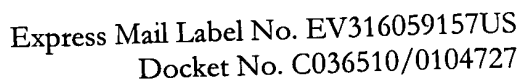
Robert G. Lancaster
RGL/kh
Enclosures

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Washington, DC

And Bryan Cave,
A Multinational Partnership,
London



STEPHEN J. WILLIAMS et al.

Examiner: Lien Ngo

Serial No. 09/622,650

Art Unit: 3727

Filed: January 18, 2001

For: FEED BOTTLE FOR BABIES

CERTIFICATE OF EXPRESS MAILING

Date of Deposit: January 20, 2005

I hereby certify that the following:

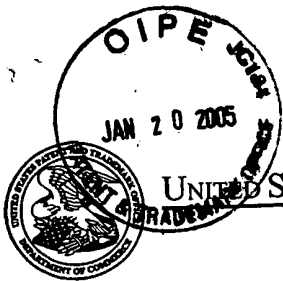
- This Certificate of Express Mailing;
- Transmittal letter (1 page);
- Petition for Revival of Abandoned Patent Application under 37 C.F.R. §1.137(b) (three copies);
- Check in the amount of \$1,500.00 for the petition; and
- Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the Date of Deposit indicated above in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Karen Honold

Type Name: Karen Honold
Signature of Person Making Deposit

Robert G. Lancaster, Esq.
BRYAN CAVE LLP
One Metropolitan Square
211 North Broadway, Suite 3600
St. Louis, MO 63102-2750
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 09/622,650 | 01/18/2001 | Stephen James Williams | C36510/10472 | 9072 |

Robert G Lancaster
Bryan Cave
One Metropolitan Square
211 North Broadway Suite 3600
St Louis, MO 63102

7590 04/02/2004

DATE RECEIVED

APR 05 2004

DOCKETING

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|----------|
| EXAMINER |
|----------|

NGO, LIEN M

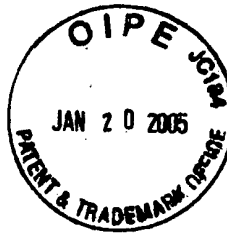
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3727

DATE MAILED: 04/02/2004

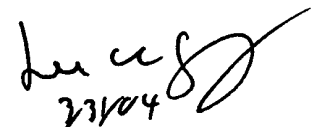
Please find below and/or attached an Office communication concerning this application or proceeding.

Application/Control Number: 09/622,650
Art Unit: 3727



Page 2

1. Office action dated March 15, 2004 (which started a new response period) is hereby vacated in view of applicant's letter of March 12, 2004 which confirmed that applicant did receive the Office action dated January 31, 2004. The time for response continues to run from the January 31st action.
2. Any inquiry concerning this communication should be directed to Lee Young at telephone number (703) 308-2572.


LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

URGENT CONSOLIDATED DOCKET FOR ROBERT G. LANCASTER (BOB)

Through: 8/6/2004

Printed: 7/6/2004

| DUE | ATTY1/ATTY2 PARA | REFERENCE# | TITLE / MARK | CLIENT | REG/SERIAL# | ACTION | CURRENT EXT | EXT AVAILABLE |
|-------------------|---------------------|---------------|-------------------------|------------------------|-----------------|---|----------------|------------------|
| July continued... | | | | | | | | |
| 30 Fri | RGL/RW2/NDB | | | | | STATUS CHECK | 0 | None |
| 31 Sat | RGL/JD3C/NDB | 36510/10472US | FEED BOTTLES FOR BABIES | BIBBY STERILIN LIMITED | (US) 09/622,650 | RESPONSE TO OA | 3 | None |
| August 2004 | | | | | | | | |
| 01 Sun | RGL/RW2/NDB | | | | | STATUS CHECK | 0 | None |
| | | | | | | Have we submitted "Fee Address" and "Customer Number" to USPTO for this patent in order to receive future correspondence related to maintenance fees? | | |
| 01 Sun | RGL/RW2/NDB | | | | | STATUS CHECK | 0 | None |
| | | | | | | Have we submitted "Fee Address" and "Customer Number" to USPTO for this patent in order to receive future correspondence related to maintenance fees? | | |
| 01 Sun | RGL/RW2/NDB | | | | | RESPONSE TO OA | 1 | 2 Exd1 Mnth |
| 04 We | RGL/JBS/NDB | | | | | NOTIFY CLIENT OF FF | 0 | None |
| 04 We | RGL/JBS/NDB | | | | | NOTIFY CLIENT OF FF | 0 | None |
| 04 We | RGL/JBS/NDB | | | | | NOTIFY CLIENT OF FF | 0 | None |
| 06 Fri | RGL/JBS/NDB | | | | | STATUS CHECK | 0 | None |
| | | | | | | Have we received response to Status Letter or OA? | | |
| 06 Fri | RGL/Z33/NDB | | | | | NOTIFY CLIENT OF FF | 0 | None |
| 06 Fri | RGL/Z33/NDB | | | | | NOTIFY CLIENT OF FF | 0 | None |

END OF REPORT

TOTAL ITEMS SELECTED = 61



Notice of Abandonment

| | | |
|-----------------|-----------------|--|
| Application No. | Applicant(s) | |
| 09/622,650 | WILLIAMS ET AL. | |
| Examiner | Art Unit | |
| LIEN TM NGO | 3727 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 30 January 2004.
 - (a) ☒ A reply was received on 02 August 2004 (with a Certificate of Mailing or Transmission dated 02 August 2004), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on 7/30/04.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

LIEN M. NGO
PRIMARY EXAMINER

LIEN TM NGO
Primary Examiner
Art Unit: 3727

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.